



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,009	04/05/2001	Masanori Nakahara	041465-5108	3876

55694 7590 02/07/2007
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
----------	--------------

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/826,009

Applicant(s)

NAKAHARA ET AL.

Examiner

Christopher Onuaku

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,10-18,20-29,31,33,35,37,39,41,43&45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,10,11,13,15-18,20-25,27-29,31,33,35,37,39,41 and 45 is/are rejected.
- 7) ☒ Claim(s) 8,12,14 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/1/06 with respect to claims 1-4,6,7,10,11,13,15-18,20-25,27-29,31,33,35,37,39,41,43&45 have been considered but they are not persuasive.

Applicant argues that Yoshio et al fail to disclose "said different kinds of recording information, which is recording units independent of each other to be reproduced by the integrated reproducing procedure information, comprises **any of** video information with associated audio information, only audio information, and data information". Then the applicants adds the applicant's own interpretation of the cited limitation, thus: "In other words, video information with associated audio information, only audio information, and data information are recording units independent of each other to be reproduced by the integrated reproducing procedure information".

In response, it is pertinent to note that the applicant's interpretation of the cited limitation missed the phrase "any of". As correctly cited by the applicant, Yoshio clearly discloses recording information which includes video information, audio information, and sub-picture information, each independently recorded in its pack (see col.11, line 57 to col.12, line 11). Yoshio further discloses wherein the audio information is output in synchronization with the video information, and the sub-picture information is output in synchronization with video information (see col.22, line 60 to col.23, line 37).

Applicant further argues that the control information of Yoshio is the control information for controlling video information and/or audio information, and is not information independent of video information and/or audio information.

In response, it is important to point out the reproduction procedure in the PGCI determines the reproduction order of the video, audio and sub-picture information. The PCI and DSI constitute the control information (see col.12, lines 12-37), and perform searching function (DSI) such as searching a video image or audio sound and presentation control functions PCI) such as display control at a time of displaying the video image or outputting the audio sound.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4,6,7,10,11,13,15-18,20-25,27-29,31,33,35,37,39,41,43&45 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshio et al (US 6,215,952).

Regarding claim 1, Yoshio et al disclose an information record medium such as an optical disk (see mastering device 78 of Fig.11 which records the disk record signal

Art Unit: 2621

Sm to a stamper disk, for the production of an optical disk; col.20, lines 21-26) of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk), including recording apparatus for recording/reproducing information onto and from the information record medium, comprising:

a) recording medium which is readable by an information reproducing apparatus, having different kinds of recording information to be reproduced sequentially that are recorded together with reproduction procedure information indicating reproduction procedures to reproduce each of the recording information respectively with the information reproduction apparatus (see Fig.1, DVD 1; audio information, video information and control information recorded on the DVD 1; col.10, line 64 to col.11, line 22; and reproduction order for reproducing programs and cells; col.13, line 40 to col.14, line 4);

b) wherein at least one integrated reproducing procedure information, to be executed by the information reproducing apparatus, indicating a reproducing procedure to sequentially reproduce two or more recording information is recorded (see col.13, lines 40-67), here the PGCI includes information indicating the reproduction order for each program and the reproduction order for each cell, and reproduction order indicates reproduction sequence/procedure; and

c) wherein the different kinds of recording information, which is recording units independent of each other to be reproduced by the integrated reproducing information,

Art Unit: 2621

comprises any of the video information with associated audio information, only audio information and data information (col.17, line 54 to col.18, line 14 and col.3, lines 15-39; and col.11, line 50 to col.12, line 34), here the video recording information has the video information, audio and sub-picture information (data information) recorded within its own independent pack, and the reproduction procedure in the PGCI is used to reproduce/access the video, the audio and the sub-picture information; and

d) wherein two or more recording information to be sequentially reproduced by the integrated reproducing procedure information includes at least the data information (see col.22, line 60 to col.23, line 55), here the outputted sub-picture information can be synchronized with the video information and output, or the output audio information can be synchronized with the video information and output based on the reproduction procedure from the PGCI.

Regarding claim 2, Yoshio et al disclose wherein the integrated reproducing procedure information includes at least indicative information indicating the reproducing procedure information that correspond to the different kinds of recording information to be sequentially reproduced (see audio information, video information that can be reproduced on special operation such as the search, the scan, the slow, and the reverse; Fig.1, col.10, line 64 to col.11, line 23 and col.24, lines 43-57).

Regarding claims 3&4, Yoshio et al disclose wherein each of the reproducing procedure information is reproducing procedure information to reproduce each of the

Art Unit: 2621

recording information in accordance with a procedure that differs from a recording procedure when each of the recording information is recorded in the information recording medium (see audio information and video information that can be reproduced on special operation such as the search, the scan, the slow, and the reverse; Fig.1, col.10, line 64 to col.11, line 23 and col.24, lines 43-57), here the process of recording video information is different from the process of reproducing video information in a reverse order, for example.

Regarding claim 6, Yoshio et al disclose wherein the information recording medium is a DVD (see Fig.12, DVD 1; col.21, lines 37-50).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 1 above. Yoshio et al further disclose:

a) a selecting device for selecting the reproducing procedure information to be employed for generating the integrated reproducing procedure information (see Fig.12, input unit or remote controller 98 and the system controller 100, for example; col.22, lines 38-48; col.24, lines 5-15, and Fig.13-16; col.24, line 40 to col.27, line 33), here by using the input unit 98, the audience can input/specify an operation reproduction command corresponding to the predetermined special operation such as the search, the scan, the slow, the reverse, the pause, etc of the reproducing apparatus in case that at least one of the first and second operation flags reproduced from the DVD 1 indicates the prohibition of the pertinent special operation

Art Unit: 2621

b) a generating device for generating the integrated reproducing procedure information by employing the selected reproducing procedure information (see system controller 100; col.24, lines 5-22 and Fig.13-16; col.24, line 40 to col.27, line 33, and also see the discussions above), and

c) a recording device for recording the generated integrated reproducing procedure information in the recording medium (see Fig.11&12 and DVD 1; col.20, lines 21-30 and col.21, lines 37-50).

Regarding claim 10, Yoshio et al disclose wherein the information recording medium is a DVD (see Fig.12, DVD 1; col.21, lines 37-50).

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 7 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 7 above, including computer means (see col.1, line 59 to col.2, line 17, and col.24, lines 43-58), and recording medium (see Fig.12, and DVD 1; col.21, lines 37-50).

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 7 above, including the reproducing device (see Fig.12).

Regarding claim 16, Yoshio et al disclose wherein the integrated reproducing procedure information includes at least indicative information indicating the reproducing procedure information that correspond to the different kinds of recording information to be sequentially reproduced (see audio information and video information that can be reproduced on special operation such as the search, the scan, the slow, the reverse, etc.; Fig.1; col.10, line 64 to col.11, line 23; and col.col.24, lines 43-57).

Regarding claim 17, Yoshio discloses wherein each of the reproducing procedure information is reproducing procedure information to reproduce each of the recording information in accordance with a procedure that differs from a recording procedure when each of the recording information is recorded in the information recording medium (see audio information and video information that can be reproduced on special operation such as the search, the scan, the slow, the reverse, etc.; Fig.1; col.10, line 64 to col.11, line 23; and col.col.24, lines 43-57), here the process of recording video information is different from the process of reproducing video information in a reverse order, for example.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 17 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 10 above.

Art Unit: 2621

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 15 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 16 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claims 13,15&16 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 16 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 7&13 above.

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 23 above.

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 16 above.

Art Unit: 2621

Regarding claims 29,31,33,35,37,39,41,43&45, Yoshio et al disclose wherein different kinds of the recording information comprise information recorded in different kinds of formats (see col.13, line 6 to col.14, line 4), here Yoshio et al disclose information recorded in physical format/structure and logical format/structure.

Regarding claim 32, Ando et al further teach wherein the different kinds of the recording information comprise at least video information including image information and audio information associated therewith, and audio information (see col.13, line 45 to col.14, line 3).

Regarding claim 33, the claimed limitations of claim 33 are accommodated in the discussions of claim 31 above.

Regarding claim 34, the claimed limitations of claim 34 are accommodated in the discussions of claim 32 above.

Regarding claim 35, the claimed limitations of claim 35 are accommodated in the discussions of claim 31 above.

Regarding claim 36, the claimed limitations of claim 36 are accommodated in the discussions of claim 32 above.

Art Unit: 2621

Regarding claim 37, the claimed limitations of claim 37 are accommodated in the discussions of claim 31 above.

Regarding claim 38, the claimed limitations of claim 38 are accommodated in the discussions of claim 32 above.

Regarding claim 39, the claimed limitations of claim 39 are accommodated in the discussions of claim 31 above.

Regarding claim 40, the claimed limitations of claim 40 are accommodated in the discussions of claim 32 above.

Regarding claim 41, the claimed limitations of claim 41 are accommodated in the discussions of claim 31 above.

Regarding claim 42, the claimed limitations of claim 42 are accommodated in the discussions of claim 32 above.

Regarding claim 43, the claimed limitations of claim 43 are accommodated in the discussions of claims 31&25 above.

Art Unit: 2621

Regarding claim 44, the claimed limitations of claim 44 are accommodated in the discussions of claims 32&25 above.

Regarding claim 45, the claimed limitations of claim 45 are accommodated in the discussions of claims 31&27 above.

Regarding claim 46, the claimed limitations of claim 46 are accommodated in the discussions of claims 32&27 above.

Allowable Subject Matter

4. Claims 8,12,14&26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording apparatus, where the recording apparatus further comprises a procedure information generating device for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the generating device generates the integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 12, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording method, where the recording method further comprises the process of newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the process of generating the integrated reproducing procedure information generates the integrated reproducing procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 14, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording medium, where the recording medium comprises wherein the information control program is readably recorded by the computer, the information recording control program causing the computer to further function as a procedure information generating device for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, and the information recording control program causing the computer to function as the generating device for generating the integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 26, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto

Art Unit: 2621

and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording apparatus, where the computer data signal recording medium wherein the series of instructions which cause a computer to further perform steps to execute a recording process in an information recording apparatus comprising a procedure information generating step for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the generating step generates the integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO
2/3/07


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2621